

REMARKS

Applicant has reviewed and considered the Office Action dated October 17, 2005 and the cited references therein, and the Advisory Action dated February 6, 2006. Claims are amended to conform with the U.S. claim format. Claims 1-10 are pending in the present application.

Rejections Under 35 U.S.C. § 103

Claims 1-3 and 5-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung (U.S. Publication No. 2003/0184858) in view of Nakamoto (U.S. Patent No. 5,121,220). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung (U.S. Publication No. 2003/0184858) in view of Nakamoto (U.S. Patent No. 5,121,220) as applied to claim 1 above, and further in view of Lee (U.S. Patent No. 6,542,297). Applicant respectfully traverses the rejections for at least the following reasons.

Claim 1 is amended to recite a flip-flop diagonal with variable viewing angles, comprising: a housing body; an eyepiece adapter unit; a reflective mirror unit; wherein the housing body has a cylindrical sleeve for mounting the diagonal to a telescope; wherein the eyepiece adapter unit includes an eyepiece adapter and a pivotal eyepiece support frame, the eyepiece support frame is pivotably mounted on the housing body, the eyepiece adapter is fixed on the eyepiece support frame so that the eyepiece adapter pivots, along with the eyepiece support frame, relative to the housing body, thereby capable of changing the view angles by rotating the eyepiece adapter between different positions; and wherein the reflective mirror unit includes a reflective mirror, a mirror support bracket and rotary shafts, the reflective mirror is mounted in the mirror support bracket, and the mirror support bracket is pivotally mounted on the eyepiece support frame through the rotary shafts.

Accordingly, in addition to the other features, claim 1 clearly recites that the eyepiece support frame is pivotal, and the eyepiece adapter is fixed on the eyepiece support frame so that the eyepiece adapter pivots, along with the eyepiece support frame, relative to the housing. None of the cited references disclose or teach these features.

In addition to the arguments submitted in a response to the Final Office Action, and in light of the above amendments in claim 1, Applicant respectfully submits that Kung fails to

disclose or teach an eyepiece support frame as now recited. Also, Kung does not disclose or teach the mirror support bracket which is pivotal to the housing body.

Nakamoto and the other cited references fail to remedy the deficiencies. Nakamoto discloses an eyepiece mounting cylinder 22 (i.e. the eyepiece support frame 22 as referenced in the Office Action) and selectable eyepiece barrel 24,25,26. However, Nakamoto does not disclose or teach that the mirror support bracket is pivotally mounted on the eyepiece support frame 22 through rotary shafts. In addition, nowhere in Nakamoto nor in Kung does it disclose or teach the combination of Kung and Nakamoto. On the contrary, the fact that cut-out 31 and slots 88 (see Figure 11 of Nakamoto) extend axially substantially the length of the eyepiece mounting cylinder 22 with a flexible and resilient tongue 89 therebetween (see column 8, lines 47-55) teaches away from having a mirror support bracket (e.g. element 121 in Figure 2 of Kung) being pivotally mounted on the eyepiece mounting cylinder 22 of Nakamoto through rotary shafts (element 132 of Kung as referenced in the Office Action). Lee also fails to disclose or teach the features discussed above.

Claims 2-10 which are dependent from claim 1 are also patentable for at least the reasons above.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: March 17, 2006

By: Min S. Xu
Min (Amy) S. Xu
Reg. No. 39,536